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3 **UNITED STATES DISTRICT COURT**  
4 **DISTRICT OF NEVADA**

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6 SHONDELL PITTS,

7 Plaintiff,

8 vs.

9 LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, *et al.*,

10 Defendants.

2:19-CV-1974-JCM-VCF

**ORDER**

11 Before the Court is the Motion to Amend Complaint to Substitute Allen Jackson for “Doe Clerk”  
12 (ECF No. 43). The court will construe this motion as a motion to substitute party instead of a motion for  
13 leave to file amended pleading.

14 The Plaintiff has identified Allen Jackson as the true name for Defendant Doe Clerk. Plaintiff  
15 requests the Court to substitute Allen Jackson for “John Doe” defendant in this matter.

16 Under LR7-2(d), the failure of an opposing party to file points and authorities in response to any  
17 motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney’s fees, constitutes a consent to  
18 the granting of the motion.

19 Here, no opposition has been filed and the time to file an opposition has passed. It would seem as  
20 though appearing defendants have consented to the granting of the instant motion.


21 Accordingly, and for good cause shown,

22 IT IS HEREBY ORDERED that the Motion to Amend Complaint to Substitute Allen Jackson for  
23 “Doe Clerk” (ECF No. 43) is GRANTED.

24 The Clerk is directed to substitute Allen Jackson in place and stead of Doe Clerk as defendant in  
25 the caption.

1 Process must be served on Defendant Jackson by May 30, 2021. *See* Fed. R. Civ. P. 4(m).

2 DATED this 1st day of March, 2021.

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CAM FERENBACH  
4 UNITED STATES MAGISTRATE JUDGE